

**BAKER & HOSTETLER LLP**

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*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities LLC  
and the estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC  
and the Estate of Bernard L. Madoff,

Plaintiff,

v.

STANDARD CHARTERED FINANCIAL  
SERVICES (LUXEMBOURG) S.A. (f/k/a  
AMERICAN EXPRESS FINANCIAL  
SERVICES (LUXEMBOURG) S.A. and f/k/a  
AMERICAN EXPRESS BANK  
(LUXEMBOURG) S.A.), as represented by its  
Liquidator HANSPETER KRÄMER,

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 12-01565 (SMB)

HANSPETER KRÄMER, in his capacities as liquidator and representative of STANDARD CHARTERED FINANCIAL SERVICES (LUXEMBOURG) S.A., STANDARD CHARTERED BANK INTERNATIONAL (AMERICAS) LTD., f/k/a AMERICAN EXPRESS BANK INTERNATIONAL, and STANDARD CHARTERED INTERNATIONAL (USA) LTD., f/k/a AMERICAN EXPRESS BANK LTD.,

Defendants.

**DECLARATION OF JONATHAN A. FORMAN IN SUPPORT OF THE TRUSTEE'S  
MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT**

I, Jonathan A. Forman, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a member of the New York Bar and a Partner at Baker & Hostetler LLP, counsel for plaintiff Irving H. Picard, as trustee (the "Trustee") for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the estate of Bernard L. Madoff.

2. As an attorney of record in these proceedings, I am fully familiar with the facts set forth herein based either upon my own personal knowledge or upon information conveyed to me.

3. I make this declaration to provide relevant information in connection with the Trustee's Motion for Leave to File an Amended Complaint (the "Motion").

4. Attached hereto as **Exhibit A** is the Trustee's proposed Amended Complaint ("PAC") for review by the Court. The PAC alleges additional facts regarding the subsequent transfers sought to be recovered, as further discussed in the accompanying Memorandum of Law in Support of the Trustee's Motion for Leave to File an Amended Complaint.

5. Attached hereto as **Exhibit B** is the Trustee's Second Amended Complaint in the adversary proceeding *Picard v. Fairfield Investment Fund Limited., et al. (In re BLMIS)*, Adv.

Pro. No. 09-01239, ECF No. 286 (Bankr. S.D.N.Y. Aug. 28, 2020), which is incorporated by reference in the Trustee's Motion and PAC.

6. Attached hereto as **Exhibit C** is the Trustee's Proposed Order in connection with the Motion.

7. No prior application or motion for similar relief has been made to this or any other court.

I hereby declare under penalty of perjury that the foregoing statements made by me are true and correct.

Executed on the 14th day of October, 2020, at New York, New York.

/s/ Jonathan A. Forman  
Jonathan A. Forman